

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JANET L. HANSON,

Plaintiff,

v.

Case No. 18-cv-457-pp

AURORA HEALTH CARE,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DKT. NO. 6) AND DISMISSING CASE WITHOUT
PREJUDICE**

On March 22, 2018, the plaintiff filed a complaint and motion for leave to proceed without prepayment of the filing fee. Dkt. Nos. 1-2. The clerk's office assigned the case to Magistrate Judge Nancy Joseph and sent the plaintiff consent forms for magistrate judge jurisdiction. On May 17, 2018, the clerk's office entered a docket entry marking that the letter containing consent forms for the plaintiff were returned as undeliverable. Dkt. No. 4.

Two weeks later, on May 31, 2017, Judge Joseph issued an order requiring the plaintiff to file an updated motion to proceed without prepayment of the filing fee. Dkt. No. 5. Judge Joseph noted that the plaintiff's motion indicated that she was currently going through a divorce, but she had not stated whether or not she was currently legally married and, if so, what her spouse's total monthly wages or salary were. Id. at 2. Because of the motion's missing information, Judge Joseph stated that she would give the plaintiff the

opportunity to file an amended motion that should include the missing information. Id. Finally, Judge Joseph observed that the consent forms to magistrate judge jurisdiction had come back as undeliverable. Id.

Judge Joseph concluded that “[s]hould [the plaintiff] fail to file an updated motion for leave to proceed without prepayment of the filing fee, or should [the plaintiff] fail to apprise the Clerk of Court of her updated address, this action will be dismissed for failure to prosecute.” Id. She gave the plaintiff until June 14, 2018 to do so.

On June 22, 2018, Judge Joseph issued a report and recommendation noting that the plaintiff had not file an updated motion, as ordered. Dkt. No. 6. Accordingly, Judge Joseph denied the plaintiff’s motion for leave to proceed without prepayment of the filing fee. Id. Judge Joseph then recommended the court deny the plaintiff’s complaint without prejudice, because the plaintiff’s complaint stated that she was awaiting documentation from the EEOC and had not exhausted her administrative remedies. Id. (citing Dkt. No. 1 at 3). Because Judge Joseph cannot enter a final order on the plaintiff’s claim in light of Coleman v. Labor and Industry Review Commission, 860 F.3d 461 (7th Cir. 2017), the clerk’s office referred the case to this court.

Per the end of Judge Joseph’s order as well as General L.R. 72(c) of the Eastern District of Wisconsin and Federal Rule of Civil Procedure 72(b), the plaintiff had fourteen days to make specific written objections to the report and recommendation. The plaintiff did not do so. Without objection and upon the court’s review, this court also concludes that the plaintiff’s case should be


dismissed, without prejudice, because the plaintiff is currently exhausting her administrative remedies.

The court **ADOPTS** Judge Joseph's report and recommendation in its entirety. Dkt. No. 6.

The court **ORDERS** that this case is **DISMISSED, without prejudice.**

Dated in Milwaukee, Wisconsin this 9th day of October, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge